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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

*People of Illinois ex rel. Kimberly M. Foxx v.
Facebook, Inc., et al.*, 18-cv-2667 (N.D. Ill.)

**MDL PLAINTIFFS' OPPOSITION TO
KIMBERLY M. FOXX'S MOTION FOR
REMAND**

Judge: Hon. Vince Chhabria
Courtroom: 4, 17th Floor
Hearing Date: January 23, 2019
Hearing Time: 10:30 a.m.

Consistent with ECF No. 179, Plaintiffs in this Multidistrict Litigation (“MDL Plaintiffs”) provide a limited response to the pending motion to remand to address concerns specific to the Class. As a threshold matter, MDL Plaintiffs agree with Defendant Facebook that diversity jurisdiction exists, as Cook County does not seek relief that would inure to the State of Illinois alone. *Dep’t of Fair Emp. & Hous. v. Lucent Tech., Inc.*, 642 F.3d 728, 737 (9th Cir. 2011). MDL Plaintiffs note, in particular, that Cook County has pleaded consumer claims also pleaded in the Consolidated Complaint filed by MDL Plaintiffs in September. *See* ECF No. 152-2, ¶¶ 654-68.

In addition, there is no need for Cook County to be separately represented in this MDL. State subdivisions regularly work with class counsel in MDLs. In past MDLs—including some in which MDL Plaintiffs’ Co-Lead Counsel have represented state subdivisions—complaints filed by states and municipalities have been consolidated into the MDL with none of the “serious inefficiencies” feared by Foxx. ECF No. 172 at n.2; *see, e.g., In re Auto. Parts Antitrust Litig.*, No. 2:12-md-02311 (E.D. Mich.); *In re Mun. Derivatives Antitrust Litig.* No. 1:08-md-01950 (S.D.N.Y.); *In re Nat’l Prescription Opiate Litig.*, No. 1:17-md-2804 (N.D. Ohio); *In re Oil Spill by Oil Rig “Deepwater Horizon” in Gulf of Mex.*, MDL No. 2179 (E.D. La.). It is generally more efficient to have fewer rather than more firms lead litigation when there is no special need for additional firms’ involvement. Based upon similar reasoning, the court presiding over the Cambridge Analytica bankruptcy instructed the Trustee that he need not separately negotiate with Cook County’s counsel in addition to MDL Plaintiffs’ Co-Lead Counsel. *See* Weaver Decl., Exh. A (Transcript of Hearing at 12:16-13:20, *In re Cambridge Analytica*, No. 18-11501-shl (S.D.N.Y. Oct. 24, 2018)).

For these reasons, MDL Plaintiffs respectfully suggest that coordination of the Cook County action into this MDL is not only supported by law but consistent with the goals of efficiency at the heart of the MDL process.

Dated: November 16, 2018

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser
Derek W. Loeser

By: /s/ Lesley E. Weaver
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of November, 2018, at Oakland, California.

/s/ Lesley E. Weaver

Lesley E. Weaver

CERTIFICATE OF SERVICE

I, Lesley E. Weaver, hereby certify that on November 16, 2018, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Lesley E. Weaver

Lesley E. Weaver